

FILED  
U.S. BANKRUPTCY CT.  
NEW ALBANY, IN

2016 APR 20 AM 11:40

CASE NUMBER: 10-93904-BHL-11  
SOUTHERN DISTRICT OF INDIANA  
KEVIN J. DEMPSEY

PLAINTIFF(S)

Denver CAPPS

v.

Eastern Livestock Co., LLC

DEFENDANT(S)

MOTION FOR

Collect Relief

[state what you want the Court to do]

I, Denver CAPPS, the ☒ plaintiff / ☐ defendant [check the appropriate box] in the

above-named proceeding, respectfully move this Court to issue an order

Collect ReliefFor Worthless Check.

[state what you want the Court to do]

The reason(s) that I am entitled to the relief I seek is the following:

"Plaintiff" Motion, Motion for  
Settlement With Relief Sought for  
913.<sup>24</sup> Dollars, For Worthless Check  
For Two Head Of Cattle, Dated: 10-12-2010



Motion, "Plaintiff", Motion For  
Settlement With Relief Sought  
For Delay's Of Relief, Court Cost,  
Postage, Phone Calls, Labor.

Motion "Plaintiff", Motion For  
United States Bankruptcy Court  
To Collect This Relief.

(You may use additional 8 1/2 x 11 paper if needed)

I, the undersigned, declare under penalty of perjury that the information contained in this document is true and correct.

This 18 day of April, 2016

Signed: Wenver Capps  
[your signature]

Print your name: Denver CAPPS

Address: 330 Froque Road  
Burkesville Kentucky  
42717-8891

[For use if you are a prisoner:]

I hereby certify that a copy of this complaint was delivered to the prisoner mail system for mailing on

Signed: \_\_\_\_\_  
[your signature]

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above COMPLAINT was served upon  
[name of document]

Counsel by U.S. MAIL at Continued To  
[name of opposing party or counsel] [mail or hand-delivery] [address]

Attachment Sheet on April 18, 2016  
[date]

Signed: Wenver Capps  
[your signature]

## Certificate of Service

### Counsel's Mailing Address

FAEGRE, BAKER, DANIELS LLP  
300 N. Meridian Street, Suite 2700  
Indianapolis, Indiana 46204

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	

**NOTICE OF OBJECTION DEADLINE TO SETTLEMENT AND PROPOSED  
ELIGIBILITY FOR COMPENSATION FROM SEIZED FUNDS**

The *Trustee's Motion To Compromise And Settle* (Docket No. 2862) (the "Motion") was filed by James A. Knauer, as chapter 11 trustee (the "Trustee") for the estate of Eastern Livestock Co., LLC (the "Debtor") on April 1, 2016. A brief summary of the Motion is as follows:

In January of 2011, Judge James D. Moyer, United States Magistrate Judge for the Western District of Kentucky, signed seizure warrants for the contents of certain financial accounts of debtor Thomas P. Gibson<sup>1</sup> and J&L Cattle Co. (the "Accounts"). On January 19th and 20th, of 2011, the contents of the Accounts, in the total sum of \$4,825,548.30, were seized by the Federal Bureau of Investigation (the "Seized Funds"). / The Seized Funds represent the defendant property in the government seizure action styled *United States of America v. Contents of Account in the Name of Eastern Livestock and Thomas P. Gibson, held by MF Global, Inc. et al.*, Case No. 3:11CV-233-R, pending in the United States District Court of Western District of Kentucky, Louisville Division (the "Forfeiture Action"). On April 18, 2011, The United States of America (the "United States"), filed its *Verified Complaint for Forfeiture In Rem*, against the Accounts. Pursuant to a series of agreed orders in the Forfeiture Action, the proceedings in the Forfeiture Action have been stayed, including the deadline for filing ownership claims to the Seized Funds, but no parties other than the Trustee, Kathryn L. Pry, as Trustee (the "Gibson Trustee") for the bankruptcy estate of Thomas P. Gibson and Patsy M. Gibson, The First Bank and Trust Company ("First Bank") and Your Community Bank ("YCB") have preserved a right to assert an ownership claim against the Seized Funds. The Trustee, the Gibson Trustee, and First Bank all believe that they have a viable ownership claim to all or some of the Seized Funds. YCB may assert a claim to the Seized Funds. /

The ELC Trustee and the Gibson Trustee both have similar interests in seeing that the assets of their respective estates, including any interest each estate has in the Seized Funds, are distributed pro rata to the unpaid creditors of each estate in accordance with their fiduciary duties under the Bankruptcy Code. The United States has an interest in seeing that the Seized Funds are distributed pro rata to the victims of the fraud perpetrated by Thomas P. Gibson. **Victims have been identified and a list indicating the names and claims of those determined eligible to receive pro rata compensation from the Seized Funds is attached to this NOTICE and is also available on the ELC Trustee's website, [www.easternlivestockbkinfo.com](http://www.easternlivestockbkinfo.com), or with the**

<sup>1</sup> Thomas P. Gibson is a debtor in Case No. 10-93867-BHL-7, pending in the United States Bankruptcy Court of Southern District of Indiana, New Albany Division.

pleadings filed in this bankruptcy case and the bankruptcy case of Thomas P. Gibson and available through the Bankruptcy Court's ECF system (Pacer Account required). You may also call Terry Hall at Faegre Baker Daniels LLP, at 317-237-1230 if you have questions.

The United States, the Trustee, the Gibson Trustee, First Bank, and YCB, pursuant to the terms contained in the certain *Agreed Order Consenting to Forfeiture* (the "Agreed Order"), to be entered in the Forfeiture Action, have reached an agreement to fully, completely and permanently resolve, compromise and settle all issues and disputes that now exist or may exist in the future with respect to the Seized Funds and the distribution of the Seized Funds. The terms of the settlement are contained in more detail in the Motion and the Agreed Order available at the ELC Trustee's website and the court's websites mentioned above.

**NOTICE IS GIVEN** that any objection to the Motion, including any objection to the proposed amount of an eligible claim or the non-inclusion of a claim the claimant believes should be eligible for compensation must be filed with the Bankruptcy Clerk within 21 days from date of service. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

Clerk, U.S. Bankruptcy Court  
110 U.S. Courthouse  
121 W. Spring St.  
New Albany, IN 47150

The objections must be served on the Trustee c/o Faegre Baker Daniels LLP, Terry Hall at the address listed below. If an objection is NOT timely filed, the requested relief may be granted without further hearing on the Motion.

**PLEASE NOTE THAT THE AMOUNT OF THE CLAIM LISTED IS NOT THE AMOUNT OF THE DISTRIBUTION.** The Seized Funds will be distributed pro rata to the listed eligible claims and all final distributions shall be made and determined by the United States through the offices of the Attorney General.

FAEGRE BAKER DANIELS LLP

By: /s/ Terry E. Hall

- Terry E. Hall (#22041-49)  
Kevin M. Toner (#11343-49)  
Harmony Mappes(#27237-49)  
300 N. Meridian Street, Suite 2700  
Indianapolis, IN 46204-1782  
Telephone: (317) 237-0300  
Facsimile: (317) 237-1000  
terry.hall@faegrebd.com  
kevin.toner@faegrebd.com  
harmony.mappes@faegrebd.com

*Counsel for James A. Knauer, Chapter 11 Trustee*



Eastern Livestock LLC  
Claims Against Seized Funds  
Exhibit 1

105745138\_2


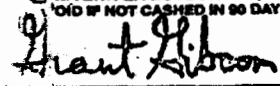
Claims Eligible for Distribution											
Claim No.	Creditor	Address	City	State	Zip	Original Proof of Claim Amount	Bond Payment on Claim	Other Payments and Reductions	Claim Amendments and Settlements	Final Victim Claim	Comments
66	3-B FARMS LLC	708 N Pratt St., P.O. Box 6	Yates Center	KS	66783	\$4,046.26		\$0.00		\$4,046.26	
238	4 LEGS DOWN LLC	4051 N Co Rd 500 E	Greensburg	IN	47240	\$2,781.00		\$0.00		\$2,781.00	
481	24 TRADING CO., LLC	PO Box 1530	Candlish	TX	78635	\$2,240.00		\$0.00		\$2,240.00	
502	A & B CATTLE & FARM INC	PO Box 5	Thadon	MS	38871	\$35,547.00		\$0.00		\$35,547.00	
481	ACOTSA-REZA, ROLANDA	PO Box 503	Alliance	Nebraska	68301	\$26,476.73		\$0.00		\$26,476.73	
117	ACREE, PHILLIP NATHAN	175 Donald Hunt Rd.	Summer Shade	KY	42106	\$764.79		\$0.00		\$764.79	
525	ADP	c/o Crystal Garcia 1851 N Resler	El Paso	TX	79912	\$274.08		\$0.00		\$274.08	
158	ALBERSON, ROBERT DOUGLAS	Landmark Ln.	Hillman	TN	38568	\$2,351.58	\$102.67	\$0.00		\$2,248.91	
165	ANIMAL CLINIC	PO Box 781	Morganfield	KY	42437-0781	\$560.00		\$0.00		\$560.00	
481	ARRIETA, LAURA	1129 Stockwell Ln.	El Paso	TX	79902-2151	\$16,981.44		\$0.00		\$16,981.44	
500	ASH FLAT LIVESTOCK AUCTION, INC.	PO Box 308	Ash Flat	AR	72513	\$15,575.32		\$0.00		\$15,575.32	
511	ASHVILLE STOCKYARD INC	PO Box 560	Ashville	AL	35953	\$30,260.15	\$1,321.18	\$0.00	\$13,812.35	\$0.00	preference action pending
55	ATHENS STOCKYARD LLC	PO Box 87	Albans	TN	37371	\$690,072.62	\$16,114.87	\$0.00	\$515,841.93	\$515,841.93	
357	B & B FARMS	8090 Greensburg Rd.	Greensburg	KY	42743	\$6,393.87	\$185.44	\$0.00	\$0.00	\$6,208.43	
255	BAR K CATTLE	1275 7th Ave	Sioux Center	IA	51250-2156	\$30,000.00		\$0.00		\$30,000.00	
481	BARNES, SHANNON DBA/BARNES TRUCKING	21836 Lawrence 2222	Aurora	MO	65605	\$12,114.00		\$0.00		\$12,114.00	
419	BERTRAM CATTLE HAULING	PO Box 437	Vinita	OK	74301-0437	\$44,116.35		\$0.00		\$44,116.35	
300	BOB'S AUTO INC DBA BOB'S AUTO SUPPLY	PO Box 419	Edmonton	KY	42126	\$703.59		\$0.00		\$703.59	
73	BOVINE MEDICAL ASSOCIATES	1500 Soper Rd.	Carlisle	KY	40311	\$6,255.00		\$0.00		\$6,255.00	
266	BPT LIVESTOCK	100 Old Carpenter Lane	Harrison	AR	72601	\$7,130.10		\$0.00		\$7,130.10	
481	BRADEN, DANE dba Razorback Farms	131 Industrial Park Dr., Suite 3	Holtsler	MO	65672	\$48,558.10		\$0.00		\$48,558.10	
481	BRADEN, DANE dba American Rock	131 Industrial Park Dr., Suite 3	Holtsler	MO	65672	\$463.84		\$0.00		\$463.84	
102	BRADBURY & YORK CATTLE	PO Box 588	Tatum	TX	75681	\$98,725.23	\$4,310.41	\$0.00		\$94,414.82	
479	BRENT KUEHNY DBA DOLLAR K CATTLE CO	c/o Ross A. Plourde McAfee & Telf Two Leadership Square, 10th Floor 211 N Robinson	Oklahoma City	OK	73102	\$0.00		\$0.00			claim consolidated with 0480
480	BRENT KUEHNY, BANK OF KREMLIN & MARK HOENBERGER	c/o Ross A. Plourde McAfee & Telf Two Leadership Square, 10th Floor 211 N Robinson	Oklahoma City	OK	73102	\$158,636.31	\$7,000.35	\$0.00	\$111,281.17	\$111,281.17	
481	BRISCOE, BRACK	2089 S Meridian Rd.	Mitchell	IN	47446	\$9,894.15	\$431.99	\$0.00		\$9,462.16	
178	BUFFALO LIVESTOCK AUCTION LLC	Box 427	Buffalo	WY	82834	\$53,939.00	\$2,395.02	\$0.00		\$51,563.98	
23	BURFORD, JAY	108 Glen Oaks Rd.	McDonough	GA	30253	\$1,928.78	\$64.82	\$0.00		\$1,843.96	
481	BURKE LIVESTOCK AUCTION	420 W 4th St.	Burke	SD	57523	\$14,097.27		\$0.00		\$14,097.27	
435, 437, 438, 439, 440, 441	BYNUM GROUP	PO Box 104	Sterling	TX	76651	\$73,632.57		\$0.00		\$73,632.57	
80	BYRON LANG INC	PO Box 301	Jackson	MO	63755-0301	\$5,100.00		\$0.00		\$5,100.00	
486	CACTUS GROWER INC	c/o John H. Lovell Lovell, Newsom & Barn, LLP 112 W 8th Ave, Suite 1000	Anaheim	TX	79101	\$32,652.86		\$0.00		\$32,652.86	
249	CAMBRIDGE TRANSPORTATION	36382 Treasury Center	Chicago	IL	60684-6300	\$4.00		\$0.00		\$4.00	
187	CAPPS, VETERAN DENVER	330 Frogue Rd.	Burlesville	KY	42717	\$913.24		\$0.00		\$913.24	

\*083902581\*  
12/07/2010  
398901008000092

This is a LEGAL COPY of your check. You can use it the same way you would use the original check.

Return Reason (S)  
Refer to Maker

12/07/2010  
398901008000092

 <p>135 WEST MARKET NEW ALBANY NY 14715 815-353-1500</p>		<p>First Third Bank</p> <p>NO. F 015706</p>	
<p>NINE HUNDRED THIRTEEN &amp; 24/100 DOLLARS</p>			
<p>PAY TO THE ORDER OF</p>	<p>15706 9713</p> <p>DENVER CAPPS P O BOX 975 BURKESVILLE KY 42717</p>	<p>DATE</p> <p>10/12/10</p>	<p>AMOUNT</p> <p>*****913.24</p>
<p>By </p>		<p>EASTERN LIVESTOCK CO., LLC VOID IF NOT CASHED IN 90 DAYS</p>	
<p>#015706# #042100272# 7480493837#</p>			

#015706# #042100272# 7480493837#

#0000091324





AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES [REDACTED] COURT  
for the *BANKRUPTCY*

*Denver Capps* )  
Plaintiff )  
v. )  
*Eastern Livestock Co. LLC* )  
Defendant )

Civil Action No.

*10-93904-BHL-11*

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

*FAEGRE BAKER DANIELS LLP*  
*BY: /s/ Terry E. Hall*  
*Counsel for JAMES A KNAUER, Chapter 11 Trustee*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

## Proof of Service

This Summons for By: 1st Terry E. Hall  
Counsel For JAMES A. KNAUER,  
CHAPTER 11 Trustee

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) FAEGRE BAKER DANIELS LLP  
was received by me on (date) \_\_\_\_\_.

- ☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or
- ☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) 4-18-2016, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on (name of individual) 1st Terry E. Hall, who is  
designated by law to accept service of process on behalf of (name of organization) FAEGRE  
BAKER DANIELS LLP on (date) \_\_\_\_\_; or
- ☐ I returned the summons unexecuted because \_\_\_\_\_; or
- ☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 4-18-2016

"Plaintiff" Wrenner Capps  
Server's signature

"Plaintiff" Denver Capps  
Printed name and title

Kentucky, 42717  
330 Froque Road Burkesville  
Server's address

Additional information regarding attempted service, etc:

Vetran  
Denver Capps

name of plaintiff(s)

v.

Civil Case No. 10-93904-BHL-11

Eastern Livestock  
Co., LLC,

name of defendant(s)

COMPLAINT

1. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitutional provisions, if you know them):

Motion, Defendant Paid Plaintiff  
With Worthless Check For  
Two Head of Cattle

2. Plaintiff, Denver Capps resides at  
330 Froque Road Burkesville  
street address city  
Cumberland Kentucky 42717 270-433-5963  
county state zip code area code, phone number

(if more than one plaintiff, provide the same information for each plaintiff below):

3. Defendant, EASTERN LIVESTOCK CO., LLC, lives at, or its  
business is located at 135 WEST MARKET NEW,  
street address  
ALBANY, INDIANA,  
city county state  
47150.  
zip code

(if more than one defendant, provide the same information for each defendant listed above):

4. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

Motion, "PLANTIFF", Motion For  
Settlement With Relief Sought  
For 913.<sup>24</sup> DOLLARS, For Worthless  
Check For Two Head Of Cattle,  
Dated: 10-12-2010.

Motion, "PLANTIFF", Motion For  
United States District Court To  
Collect This Relief.

COMPLAINT, Question # 4  
Continued



Complaint, Question # 4  
Continued

Motion, "Plaintiff," Motion For  
Settlement With Relief Sought  
For 1800, Dollars For Delays Of  
Relief, Court Cost, Postage,  
Phone Calls, Labor.

Motion, "Plaintiff", Motion For  
United States District Court To  
Collect This Relief.

5. Prayers for Relief (list what you want the Court to do):

a. Motion, "Plaintiff" Motion For  
Relief For Worthless Check

b. And Other Related Charges

c. \_\_\_\_\_

d. \_\_\_\_\_

6. Request for a Jury Trial

✓  
yes

no

I (We) hereby certify under penalty that the above petition is true to the best of my (our) information, knowledge, and belief.

Signed this 18th day of April, 2016 19.

Denver Capps

\_\_\_\_\_  
(signature of plaintiff (s) )